

REMARKS

The title has been amended in response to the Office Action of March 8, 2005.

Claims 1-7 are pending in this application.

Replacement drawings have been submitted herewith in order to remedy the objections in the office action. No new matter is disclosed.

Objection to the Title

The Examiner has objected to the title as being insufficiently descriptive. The title has been amended to a "PIVOT ASSEMBLY PRELOADED BY LASER WELDING FOR HARD DISK DRIVE USE" so as to make reference "to the manner in which the spacer is attached to the outer rings of the ball bearing."

Claim Rejections

Provisional Double Patenting Rejection

Claims 1-7 are provisionally rejected for obviousness-type double patenting over claims 1-6 of copending application Serial No. 10/656,740.

In response, Applicants submit that M.P.E.P. §804 I (B) states that in the case of provisional double-patenting rejections between or among copending applications, once the double-patenting rejection is the only rejection remaining in one of the applications, the Examiner should withdraw the rejection and permit the application to issue as a patent, thereby

converting the provisional double-patenting rejection in the other application(s) into a double-patenting rejection at the time the one application issues as a patent. Applicants respectfully submit that the § 102 rejection as set forth in the present Office Action is traversed. Thus, upon withdrawal of these rejections, the provisional double-patenting rejection will be the only remaining ground for rejection of the present claims. Pursuant to M.P.E.P. §804 I (B), therefore, the Examiner is respectfully requested to also withdraw the double-patenting rejections and thus to permit this application to proceed to issuance.

Rejection Under § 102(e)

The Examiner has rejected Claims 1 and 2 under 35 U.S.C. § 102(e) as being anticipated by Publication No. 2002/0006015 (“Mouri”).

The Applicant have submitted a declaration under 37 C.F.R. 1.132 that the Applicant invented any invention disclosed but not claimed in Publication No. 2002/0006015. Thus, the rejection of 35 U.S.C. § 102(e) is overcome.

Therefore, Claims 1-7 are allowable for all the reasons discussed and other reasons readily apparent. An early action on the merits and allowance of Claims 1-7 is requested.

The Patent & Trademark Office is authorized to charge any fees required for the entry of this Amendment, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 500675, Order No. 051319/0052. In the event that an extension of time is needed for entry of this

Amendment that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,
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New York, New York

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